

HOUSE BILL 54 of the First Extraordinary Session
By Chumney

AN ACT to amend Tennessee Code Annotated, Title 5; Title 6; Title 7; Title 9; Title 45; Title 48; Title 56; Title 57; Title 61; Title 62; Title 67 and Title 68, and to submit to the people of Tennessee a question relating to the calling of a convention for the purpose of altering, reforming or abolishing the present Constitution of the State of Tennessee with respect to Article XI, Section 5, relative to lotteries and to tax lottery revenues.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-2-102, is amended by designating the current language as subsection "(a)" and by adding the following new language, to be designated as subsection "(b)":

(b)

(1) An tax shall be levied and collected on incomes derived from lottery winnings or any other gambling winnings.

(2) The person or entity responsible for the distribution of lottery or other gambling winnings shall report to the General Assembly, the amounts collected and the General Assembly shall set the tax rate on such proceeds.

SECTION 2. Tennessee Code Annotated, Section 67-2-119, is amended by adding the following language as a new, appropriately designated subsection:

() Notwithstanding the provisions of this section or any other law to the contrary, of the taxes collected pursuant to the provisions of §67-2-102(b), all of the proceeds shall be paid into a scholarship fund established and administered by the state treasurer

for the sole purpose of defraying tuition and other costs directly related to the post-secondary education and training of Tennessee residents in public or private schools or institutions within this state.

SECTION 3. In order to ascertain the will of the people with respect to whether or not a limited constitutional convention should be called, there shall be submitted to the people of the state at an election to be held on Thursday, August 3, 2000, one (1) question, which shall be printed in full on each ballot or voting machine, in words and figures as follows:

CONSTITUTIONAL REFERENDUM

Question: Shall a convention be held to alter, reform, or abolish the following parts and subject matter of the present Constitution of Tennessee, the convention to be limited to consideration of and action upon the parts and subject matter included in this act and whose actions with respect thereto become effective only after the amendments proposed by the convention are separately submitted to and ratified by a vote of the people?

Article XI, Section 5, relative to lotteries.

_____FOR THE CONVENTION

_____AGAINST THE CONVENTION

Voters will indicate their choice by placing a cross mark (x) opposite one or the other of the above expressions.

SECTION 4. The proper officers in all counties shall immediately after the election make a return to the secretary of state of the number of votes cast in their respective counties "For the Convention" and the number of votes cast "Against the Convention" with respect to the question in Section 3, and after comparison of the returns by the secretary of state and the attorney general, the governor shall, by proclamation, announce the results.

SECTION 5. If the people approve the question and thereby authorize the convention, delegates shall be elected at the regular November election which shall be held on Tuesday,

November 7, 2000, under the general election laws of the state in the several counties and senatorial districts. There shall be thirty-three (33) delegates, with one (1) to be elected by the qualified voters of each senatorial district from which members are elected to the senate of the general assembly of Tennessee, as such districts exist at the time delegates are elected to the Constitutional Convention. Delegates shall be subject to the Campaign Financial Disclosure Law, Tennessee Code Annotated, Title 2, Chapter 10, Part 1.

SECTION 6. Any person who is twenty-one (21) years of age, a citizen of the United States, and a citizen of Tennessee for three (3) years and a resident of the district for one (1) year may become a candidate for delegate to the convention upon filing with the county election commission of the county of residence a nominating petition containing not less than twenty-five (25) names of legally qualified voters of the senatorial district. In the case of a candidate from a senatorial district comprising more than one (1) county, only one (1) qualifying petition need be filed by the candidate, and that in the candidate's home county, with a certified copy thereof filed with the election commission of the other counties in the senatorial district.

Every person desiring to become a delegate to the convention shall qualify by the filing of qualifying petition or petitions by 12:00 o'clock noon, prevailing time, on Thursday, August 17, 2000. The names of candidates for the delegates to the convention shall be placed on the official ballot alphabetically without reference to political affiliation. The candidate who receives the greatest number of votes shall be the delegate.

The returns from the various counties of the state electing delegates to the convention shall be certified to the secretary of state and canvassed by the secretary of state, the governor and the attorney general in the same manner and form as the returns are required to be certified from the election in which the people vote for and against the call of the convention, as provided in Section 3, and the governor shall, by proclamation, announce the names of those elected as delegates to the convention. Delegates to the convention, elected and certified, shall receive a certificate of election signed by the governor and attested by the secretary of state under the great seal of the state.

SECTION 7. The delegates elected to the convention shall assemble in the chamber of the senate at Nashville at 12:00 o'clock noon on Monday, November 20, 2000, and organize by electing one (1) of their members as president, another as secretary, and by electing such other officers, as they consider necessary. If a majority of the delegates are not present on that date, those present shall adjourn from day to day until a majority appears, when the convention shall be organized. The convention when organized may adopt its own rules of procedure and employ such clerks, stenographers, reporters, sergeants-at-arms, and other assistants as the convention considers necessary and fix the amount of their compensation.

The compensation of the delegates to the convention shall be a per diem allowance in such amount as may prevail during the time the convention meets for members of the general assembly and they shall also be allowed the same mileage allowance as may be provided to members of the general assembly during the time the convention meets, which shall be paid by the state in the same manner that members of the general assembly are paid, upon certification by the president and secretary of the convention. Compensation and expenses of delegates and such other incidental expenses as may be necessarily incurred by the convention shall be paid by the commissioner of finance and administration on warrant drawn upon the treasurer, upon certification of the president and secretary of the convention. In case there shall be a vacancy in the membership of the convention from any county or senatorial district, it shall be filled by election by the legislative body of the county of residence of the delegate whose seat becomes vacant.

SECTION 8. It is the duty of the secretary of state to make publication in at least one (1) general circulation newspaper published in each county of the fact that a constitutional convention election is to be held in the state on Thursday, August 3, 2000 . Any county not having a general circulation newspaper shall be considered to have been notified by publication in the newspaper published in counties immediately adjacent thereto. The secretary of state shall also certify to the various commissioners of the different counties the form for the ballot with reference to the constitutional convention election agreeable to the terms of this act and

furnish the election commissioners with any other printed information pertaining to the election that is material or necessary. If the people vote in favor of the convention, then it is the duty of the secretary of state to issue a call for the election of delegates to the convention. The election shall be held in the various counties of the state on Tuesday, November 7, 2000, and the secretary of state shall certify to the various county election commissioners the form of the ballot to be used in the election of delegates as provided in Section 6. All ballots used in the 2000 August election shall include the above question as to holding the limited constitutional convention and the ballots used in the 2000 regular November election shall include the names of the candidates for delegates to such convention.

SECTION 9. The final action of the convention with respect to the alteration, reformation, abolishment or amendment of the section and the subject matter of the Constitution of Tennessee as set out in this act shall be duly certified by the president and the secretary of the convention and the original certified copy shall be transmitted to the secretary of state.

SECTION 10. Any amendment to the constitution adopted by the convention shall be submitted to the voters of the state for ratification or rejection of each separate amendment at an election to be held in such manner and on such date after the final adjournment of the convention as may be fixed and determined by the convention. If, for any reason, the convention itself does not call an election, then the general assembly next convening shall call an election for this purpose, fixing the date for the election and form of the ballot that shall be used. The official ballot to be used in any such election shall be arranged so that the voter can vote separately for the ratification or rejection of each and every amendment. Any election so held shall be held under the general election laws of the state. When the election to ratify or reject any amendment to the constitution has been held, the various county election commissioners shall certify the result thereof in each county to the secretary of state, who, together with the governor and attorney general, shall canvass the returns and the governor shall issue a proclamation showing the result of the election on the ratification or rejection of the amendment. All amendments ratified and approved in the election held for that purpose shall

be proclaimed by the governor as a part of the constitution of the state and such proclamation shall be filed in the office of the secretary of state.

SECTION 11. All expenses in connection with the holding of any of the elections authorized by this act shall be paid by the commissioner of finance and administration on warrant drawn upon the treasurer upon certification by the secretary of state to the correctness of each account. No compensation shall be paid by the state to the various county election commissioners for their services or for rental space or quarters in the various counties for places for holding any elections herein authorized.

SECTION 12. Any person acting as a lobbyist at the constitutional convention shall comply with Tennessee Code Annotated, Title 3, Chapter 6, as if the convention were the general assembly of the state of Tennessee.

SECTION 13. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 14. This act shall take effect upon becoming a law, the public welfare requiring it.